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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,406	01/12/2001	Keith A. Lowery	066241.0117	2308

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,406	LOWERY ET AL.	
	Examiner	Art Unit	
	Michael Y Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30, 95-101 and 105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30, 95-101 and 105 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Claims 1, 8, 16, 23, and 101 have been amended. Claims 31-94 and 102-104 have been cancelled.
2. Claims 1-30, 95-101, and 105 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **95-100 and 105** are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (US 6,330,605 B1).

As per *claims 95, 98 and 105*, Christensen teaches a method and a system for dynamic distributed data caching comprising logic and means for: communicating a community request from a dynamic cache module to an administration module (see col.6, lines 26-36); receiving a community list (see col.8, lines 46-51) from the

administration module in response the community request (see col.6, lines 37-43), the community list including a list of communities (see col.11, lines 58-67); generating a join request to attempt to join a one of the communities in the community list (see col.8, lines 39-43); receiving an allow message associated with the one of the communities (see col.6, lines 23-28); receiving a peer list associated with the one the communities (see col.8, line 46-51); receiving a content request (see col.1, lines 37-51 and col.2, line 65 to col.3, line 13); and storing content associated with the content request (see col.1, lines 37-51).

As per *claims 96 and 99*, Christensen further teaches wherein the community request comprises a CRMSG_WAKEUP data message (see col.6, lines 28-36).

As per *claims 97 and 100*, Christensen further teaches wherein the join request comprises a CRMSG_REQUESTTOJOIN data message (see col.8, lines 39-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-30 and 101** are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al. (US 6,330,605 B1) in view of McCanne (US 6,785,704 B1).

As per claims 1, 16, and 101, Christensen teaches of a method and a system for dynamic distributed data caching comprising logic and means for: providing a cache community (see col.2, lines 60-63) comprising at least one peer (see col.3, lines 3-6), each peer having associated first content portion indicating content obtained from a second side of the point of presence (see col.1, lines 43-49) to be cached (see col.1, lines 37-51) by the respective peer (see col.3, lines 17-18); allowing a client (see Fig.4 and col.6, lines 57-62) to join the cache community (see col.8, lines 39-40); updating peer list (see col.8, lines 46-51) associated with the cache community to include the client, the peer list indicating the peers the cache community (see col.5, lines 58-65 and col.6, lines 40-51); and associating a respective second content portion with each peer based on the addition the client, the second content portion being distinct from the first content portion (see col.7, lines 47-53 and col.8, lines 4-7).

Christensen does not explicitly teach wherein the providing is performed on a first side of a point of presence. McCanne teaches wherein the providing is performed on a first side of a point of presence (see Fig.2 and col.6, lines 33-44). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of McCanne within the system of Christensen by implementing providing a cache community on a first side of a point of presence within the dynamic distributed data caching method and a system because McCanne teaches by servicing requests locally, improves “response time”, reduces “wide-area bandwidth consumption”, and relaxes “load on the production server” (see col.9, lines 61-64).

As per claims 2 and 17, Christensen teaches of further comprising: receiving a join request from the client (see col.8, lines 39-41); and determining whether allow the client join the cache community (implicit: see col.8, lines 41-43).

As per claims 3, 18, 97, and 100, Christensen further teaches wherein the join request comprises a CRMSG_REQUESTTOJOIN data message (see col.8, lines 39-43).

As per claims 4 and 19, Christensen further teaches wherein allowing the client to join the cache community comprises: generating an allow message (see col.6, lines 23-28); associating the peer with the allow message (see col.6, lines 40-51); and communicating the allow message to the client (implicit: see col.6, lines 23-28).

As per claims 5 and 20, Christensen further teaches wherein allowing the client to join the cache community comprises: generating an allow message comprising the peer list updated to include the clients (see col.5, lines 58-65 and col.6, lines 23-28); communicating the allow message to the client (implicit: see col.6, lines 23-28); and communicating the allow message to at least one member associated with the cache community (see col.6, lines 34-36 and col.7, lines 47-53).

As per claims 6 and 21, Christensen further teaches wherein the allow message comprises a CRMSG_UPDATEPEERLIST data message (see col.5, lines 58-65 and col.6, lines 40-43).

As per claims 7 and 22, Christensen further teaches wherein peer list associated with the allow message comprises updated peer which includes the client (see col.6, lines 23-36 and col.7, lines 47-53).

As per claims 8 and 23, Christensen does not explicitly teach wherein the point of presence is an ISP. McCanne teaches wherein the point of presence is an ISP (see Fig.2).

As per claims 9 and 24, Christensen further teaches wherein a one of the peers comprises a member (see col.7, lines 47-49).

As per claims 10 and 25, Christensen further teaches wherein one of the peers comprises a master (see col.6, lines 37-40).

As per claims 11 and 26, Christensen further teaches wherein associating a respective second content portion comprises: allocating respective second content portions peers in the peer list (see col.5, lines 58-65 and col.7, lines 47-49); and updating an allocation table indicate the second content portion associated with the peers (see col.7, lines 47-49).

As per claims 12 and 27, Christensen further teaches wherein the second content portions are distinct (see col.21, lines 26-32).

As per claims 13 and 28, Christensen further teaches wherein at least two of the second content portions overlap (see col.21, lines 32-40).

As per claims 14 and 29, Christensen further teaches wherein the first and second content portions respectively comprise a plurality Internet Protocol domain names (see col.1, line 64 to col.2, line 5).

As per claims 15 and 30, Christensen teaches of further comprising removing the association between the first content portions and the peers (see col.9, lines 58-63).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 16, and 101, specifically regarding that the Christensen (US 6,330,605) reference teaches an embodiment that is different than the presently claimed invention, have been considered but are moot in view of the new ground(s) of rejection. The examiner concurs that Christensen explicitly teaches of a cache community that exists in the "reverse proxy" environment, however, the newly discovered McCanne (US 6,785,704) teaches of a cache community embodied in the "forward proxy" and an obvious motivation for such. Therefore, claims 1-30 and claim 101 have been finally rejected.

6. With respect to the arguments regarding claims 95, 98, and 105, additional reference location has been provided to clearly teach the limitation "the community list including a list of communities". Clearly Christensen teaches of a list addresses and their load rating with various services (communities). Therefore, claims 95-100 and claim 105 have been finally rejected.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

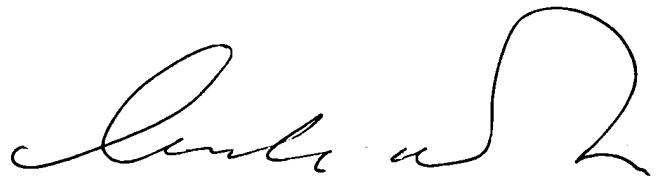
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



February 25, 2005



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER